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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,332	12/21/2000	Claes Magnusson	215.301	9803

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EXAMINER

LOGSDON, JOSEPH B

ART UNIT PAPER NUMBER

2662

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,332

Applicant(s)

MAGNUSSON, CLAES

Examiner

Joe Logsdon

Art Unit

2662

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Reply

EXTENDED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
MAILING DATE OF THIS COMMUNICATION.

Periods of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
(6) MONTHS from the mailing date of this communication.
Period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
Period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
A reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
A reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
statutory term adjustment. See 37 CFR 1.704(b).

Responsive to communication(s) filed on _____.

This action is FINAL.

2b) ☒ This action is non-final.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
conducted in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

Claim(s) 1-7 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-7 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction and/or election requirement.

Papers

A specification is objected to by the Examiner.

A drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

An applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

A replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

A oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

35 U.S.C. § 119

A statement of acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

All b) ☐ Some * c) ☐ None of:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

See the attached detailed Office action for a list of the certified copies not received.

References Cited (PTO-892)

Draftsperson's Patent Drawing Review (PTO-948)

Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)

Page(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)

Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Objections:

1. The abstract of the disclosure is objected to because it contains the legal terminology, "means". Correction is required. See MPEP § 608.01(b).

Claim Rejections—35 U.S.C. 112, Second Paragraph:

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-7 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Claim 4 is a claim to an apparatus, but lists several steps. Claims 5-7 depend on claim 4 and are therefore similarly rejected.

Claim Rejections—35 U.S.C. 103(a):

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stikvoort in view of Lindell.

With regard to claims 1 and 4, Stikvoort teaches the digitization of received audio signals for possible broadcasting (column 2, lines 14-28). Stikvoort fails to teach the actual broadcasting of the signals, but only teaches that such broadcasting may be possible in the future (column 2, lines 14-28); that a mobile station retrieves audio signals; and that they are transferred from the mobile device to a receiving device over a wireless connection. Lindell teaches the broadcasting of signals from a mobile station to a base station (column 6, lines 9-16). The audio signals are first retrieved by the mobile station and then transmitted to the base station. Signals that are broadcast are inherently made accessible over a network because more than one receiver can receive them. It would have been obvious to one of ordinary skill in the art to modify the invention of Stikvoort so that it teaches the actual broadcasting of the signals; that a mobile station retrieves audio signals; and that they are transferred from the mobile device to a receiving

Art Unit: 2662

device over a wireless connection, as in Lindell, because such an arrangement would enable wireless users to obtain digital audio from other mobile users.

With regard to claims 3, 5, and 6, Stikvoort fails to teach that either the receiving mobile device or the broadcasting mobile device is a cellular phone. Examiner takes Official notice that it has been common practice in the art for one cellular telephone to transmit messages to another. It would have been obvious to one of ordinary skill in the art to modify the invention of Stikvoort so that either the transmitter or the receiver is a mobile phone because Examiner takes Official Notice that such an arrangement has been well known in the art as a means for allowing people to communicate while they are moving from one location to another.

7. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stikvoort and Lindell, as applied to claims 1 and 4 above, and further in view of Lee et al.

With regard to claims 2 and 7, Stikvoort and Lindell each fails to teach the step of transferring audio signals from the receiving device to a combined digitizing, packaging and broadcasting device that is connected to the Internet, a digitizing unit required in the device when the audio signals are provided in analog form. Lee et al. teaches an Internet radio (abstract), which involves broadcasting of audio by devices connected to the Internet (column 6, lines 39-49); The device disclosed in Lee et al. can transmit to, or receive from, the Internet (column 8, lines 25-50). The devices that transmit over the Internet must digitize, package, and broadcast signals because the Internet uses IP packets. It would have been obvious to one of ordinary skill in the art to modify the inventions of Stikvoort and Lindell so that each teaches the step of transferring audio signals from the receiving device to a combined digitizing, packaging and

broadcasting device that is connected to the Internet, a digitizing unit required in the device when the audio signals are provided in analog form because such an arrangement would enable mobile users to use the Internet.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sawyer, McCoy et al., and Noreen et al. are cited to show the state of the art.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Logsdon whose telephone number is (703) 305-2419. The examiner can normally be reached on Monday through Friday from 10:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joe Logsdon

Application/Control Number: 09/748,332
Art Unit: 2662

Page 6

Patent Examiner

Sunday, March 14, 2004



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600